

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	Case No. 2:12-cv-01282-JLR
Plaintiff,)	
)	CITY OF SEATTLE’S RESPONSE TO
v.)	MONITOR’S ACCOUNTABILITY
)	ASSESSMENT
CITY OF SEATTLE,)	
)	
Defendant.)	
)	
)	
)	
)	

The City of Seattle submits its response to the Monitor’s Accountability System Sustainment Assessment. While the Assessment does not evaluate compliance with the Consent Decree, the topics it covers are important to the City and speak to concerns raised by the Court. Moreover, the Assessment contains valuable feedback, and the City agrees with the Monitor’s overarching conclusion that “the City has developed a sophisticated accountability system, yet

sustaining the system will require ongoing attention, funding, innovation, and support from the community, the city, and police leadership.”¹

1. Greater Clarity in the Roles of CPC, OIG, and OPA

The Monitor recommended establishing greater clarity in the respective roles of CPC, OIG, and OPA.² Much work in this area is already underway, as described in the Monitor’s Assessment. Notably, CPC-proposed legislation³ was enacted in July 2023 and accomplished the following:

- Clarified the roles, responsibilities, and relationship between the CPC Co-Chairs and Executive Director;
- Established the qualifications for the CPC Executive Director, consistent with the OIG and OPA Directors;
- Added a Deputy Director Position, consistent with the OIG and OPA; and
- Returned the Commission to a size of 15 commissioners, reducing from 21, as it was originally when it was established.

CPC is in the process of working to fulfill the newly created Deputy Director position. In addition, CPC has made significant progress in developing its internal policies and procedures to clarify its work and processes and has completed its initial draft.

OIG is actively engaged in efforts to help the community understand the role that each agency plays in oversight within the City of Seattle. OIG is in the process of adding a new, half-time position for a Public Relations and Community Engagement Specialist. Among other

¹ Monitor’s Seattle Accountability System Sustainability Assessment (Dkt. 782) at 5.

² See Recommendations 1, 8, and 11-12. A synthesized, numbered set of recommendations appears at pages 6-7 of the Assessment and those numbers are used throughout.

³ Ordinance 126860 is available at <https://seattle.legistar.com/View.ashx?M=F&ID=12242730&GUID=5E4AFB8D-934D-43CA-B7AF-A0FF8BAC7934>

important work, this new resource will help increase public awareness of OIG’s role in the City’s police accountability system; develop newsletters, presentations, reports, press releases, social media and website content; and organize and participate in OIG-sponsored community events and events sponsored by outside organizations.

OPA has continued its work engaging and educating community members about Seattle’s police oversight system. For example, in 2023 OPA surveyed almost 500 members of the public in communities that experience disproportionate police contacts. The survey gauged awareness about the police accountability system and OPA complaint process, and it revealed new ways to better reach and serve these communities. Among other efforts, OPA circulates a monthly newsletter and regularly posts to social media. In 2023, OPA led events featuring the heads of CPC, OPA, and OIG to educate faith-based leaders and the NAACP. All told, OPA’s outreach work increased over 200% from 2022 to 2023.

2. Greater Efficiency and Better Tracking of Policy Recommendations

The Monitor recommends “granting the OIG the primary role of researching and making recommendations on police policy with the OPA and the CPC providing information and data to the OIG.”⁴ Under this model, OIG would function as a “clearinghouse” conducting policy reviews on issues identified by CPA and OPA and then reporting the resulting recommendations to SPD and the public. The Monitor also suggests that OIG be responsible for publicly tracking and reporting on the implementation of recommendations.⁵

⁴ Recommendation 6.

⁵ See Recommendations 2 and 6.

1 The City is committed to improving the policy recommendation process to address the
 2 Monitor's findings of inefficiency, and the City agrees that having OIG coordinate and track policy
 3 recommendations would improve effectiveness and transparency. The City will incorporate the
 4 Monitor's findings in a way that preserves the policy roles for CPC and OPA to publicly make
 5 recommendations directly to SPD. That structure achieves the right balance for our community.
 6 Since the early years of the Consent Decree, the CPC has served an important role in policy
 7 development. Among other contributions, the CPC provided substantial input to SPD's use-of-
 8 force policy, a process that the Monitor described as: "a historic moment" in which "community
 9 representatives and police rank and file and union leaders were involved in a structured process
 10 that gave each a voice."⁶ CPC also contributed significantly to SPD's bias-free policing training.
 11 Dkt. 176 at 7. When the City enacted the Accountability Ordinance in 2017, it established CPC as
 12 a permanent body with an expanded mission, while retaining CPC's original role as the voice of
 13 the community.

14 OPA also has a valuable perspective gained from its firsthand knowledge of complaints
 15 filed by community members, among other sources. OPA issues recommendations to SPD when
 16 its investigations indicate that improvements to Department policy or training may help prevent
 17 similar negative outcomes in the future.

18 The Monitor's goals of improving efficiency and transparency can be advanced while
 19 preserving the historical policy roles of CPC and OPA. The Monitor's Assessment suggests that
 20 OIG take on the role of tracking and reporting out publicly on the status of policy recommendations

21 6 Dkt. 212 at 2 n.5 (quoting NACOLE presentation); *see also* Court's Order (Dkt. 225) at
 22 3 (recognizing "CPC's attempts to reach out to SPD officers and the community").

made to SPD as well as the status of implementation of the Accountability Ordinance.⁷ The City agrees that such tracking and reporting are critical tasks and align well with OIG’s mission.

3. Discipline-Related Recommendations and Legislative Reform

The Monitor’s Assessment raises several areas that bear on police discipline and the disciplinary process.⁸ Mayor Harrell already has designated reform of the police accountability arbitration system as one of his top legislative priorities in the 2024 session—addressing Recommendation 14.⁹

The City also agrees with Recommendation 9 to develop a more streamlined and practical process for addressing minor misconduct by officers. OIG, OPA, and SPD have conferred on this topic and will continue these discussions. This recommendation is an especially high priority for SPD because OPA’s involvement in minor performance issues is not only inefficient, but it also interferes with effective supervision. Implementing Recommendation 9 would allow for more robust mentorship by empowering SPD supervisors to promptly address performance and customer service concerns (as opposed to serious misconduct—which would continue to be investigated by OPA). And, as noted by the Monitor, it would allow OPA to prioritize its investigative resources on allegations of serious misconduct. SPD looks forward to, in collaboration with the Accountability Partners, developing “specific expectations for first-line

⁸ See Recommendations 9 and 14-16.

⁹ Mayor Harrell supports legislation that would require arbitrators to afford substantial deference to discipline imposed by a Chief of Police or Sheriff. <https://harrell.seattle.gov/2024/01/08/as-state-legislative-session-begins-mayor-harrell-highlights-key-priorities-for-seattle/>

1 supervisors to address such misconduct,” ensuring that “the policy and process [] is fair and
2 uniform; is adequately documented; and is subject to ongoing, systematic review and oversight by
3 OIG.”¹⁰

4 Addressing Recommendation 7, OIG is working to perform a limited follow-up of the 2021
5 Audit of the Disciplinary System for SPD Sworn Personnel, as reflected in its 2024 Work Plan.¹¹
6 This audit will include an updated evaluation of disciplinary outcomes compared to
7 recommendations, complainant input, and any impacts of recent arbitration.

8 **Conclusion**

9 Sustainable reform requires continuous innovation, improvement, and public engagement.
10 The Monitor’s Assessment contains valuable feedback that will help inform the efforts of the
11 City’s elected and appointed leaders in pursuit of meaningful police accountability.

12
13
14
15
16
17
18
19
20

21 ¹⁰ Monitor’s Assessment (dkt. 782) at 7.

22 ¹¹ Available at
23 <https://www.seattle.gov/documents/Departments/OIG/Annual/OIG2024Workplan.pdf>

1 Respectfully submitted,

2 DATED this 29th day of January, 2024.

3
4 For the CITY OF SEATTLE
5 ANN DAVISON
6 Seattle City Attorney

7 s/ Kerala Cowart
8 Kerala Cowart, WSBA #53649
9 Assistant City Attorney
10 Phone: (206) 733-9001
11 Fax: (206) 684-8284
12 Email: Kerala.Cowart@seattle.gov

13 Jessica Leiser, WSBA #49349
14 Assistant City Attorney
15 Phone: (206) 727-8874
16 Fax: (206) 684-8284
17 Email: Jessica.Leiser@seattle.gov

18
19 Seattle City Attorney's Office
20 701 Fifth Avenue, Suite 2050
21
22
23